

ORIGINAL

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Attorneys for Plaintiff
CHRISTINE DOUGHERTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,

Plaintiff,

v.

AMCO INSURANCE COMPANY
and DOES ONE through TWENTY,
Inclusive,

Defendants.

NO. C 07-01140 MHP

**NOTICE OF UNAVAILABILITY
OF PLAINTIFF'S COUNSEL**

TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that STEPHEN M. MURPHY, solo practitioner and
counsel for Plaintiff CHRISTINE DOUGHERTY, will be unavailable from JANUARY 7,
2008 through JANUARY 21, 2008. Accordingly, Plaintiff hereby requests that no

1 depositions, hearings, conferences or trials be noticed or set during this time period. See
2 Tenderloin Housing Clinic, Inc. v. Sparks (1992) 8 Cal. App. 4th 299, 305-306 ("it is widely
3 held that 'an attorney has an obligation not only to protect his client's interests but also to
4 *respect the legitimate interests of fellow members of the bar*, the judiciary and the
5 administration of justice.'" Therefore, even if a legal step or procedure pursued has
6 justification in law, the timing thereof may be oppressive and may constitute harassment
7 within the meaning of Code of Civil Procedure §128.5 (sanctions for bad faith actions or
8 tactics), if it unjustifiably neglects or ignores the legitimate interest of a fellow attorney.)

9 Dated: December 19, 2007

LAW OFFICES OF STEPHEN M. MURPHY

10 By:  /ms

11 STEPHEN M. MURPHY
12 Attorneys for Plaintiff
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PROOF OF SERVICE BY FIRST CLASS MAIL

The undersigned certifies and declares as follows:

I am over the age of eighteen years and not a party to this action. My business address is 180 Montgomery St., Suite 940, San Francisco 94104, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 19, 2007 at my place of business at San Francisco, California, I served a copy of the following document(s):

NOTICE OF UNAVAILABILITY OF PLAINTIFF'S COUNSEL

Person(s) being served:

Julian J. Pardini, Esq.
Lewis Brisbois Bisgaard & Smith
One Sansome Street, Suite 1400
San Francisco, CA 94104

David M. Porter, Esq.
Law Offices of David M. Porter
44 Montgomery Street, Suite 2500
San Francisco, CA 94104

☒ BY MAIL: I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

☐ BY PERSONAL SERVICE: I caused such document(s) to be delivered by hand to the office(s) of the person(s) listed above.

☐ BY FEDERAL EXPRESS: I caused such document(s) to be delivered via Federal Express to the office of the person(s) listed above.

☐ BY FACSIMILE TRANSMISSION: I caused such document(s) to be delivered via facsimile at or about _____ on the above date. The facsimile numbers of the person(s) are as set forth above. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine.

Dated: December 19, 2007, at San Francisco, CA.


MARTIN M. SKOWRON